



P/4976-33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Darren James MANSFIELD et al.

Date:

Serial No.: 10/566,051

Group Art Unit: 1625

Filed: April 18, 2006

Examiner: Morris, P. L.

For: N-[2-(2-PYRIDINYL)ETHYL]BENZAMIDE COMPOUNDS AND THEIR USE AS FUNGICIDES

TERMINAL DISCLAIMER

Mail Stop Amendment - FEE
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This terminal disclaimer is submitted under Rule 321 (c) to obviate a nonstatutory double-patenting rejection over a co-pending application, which is being filed in response to an office action of September 10, 2009, in reference to the above-identified patent application. The assignment to Bayer CropScience S.A. for this Application Number 10/566,051 was recorded on April 18, 2006, at Reel 017817 on Frame 0093

Application Number 10/582,693, now U.S. Patent Number 7,560,567, is assigned to Bayer CropScience S.A., a corporation organized under the laws of France, having its principal place of business at 15 Rue Jean-Marie Leclair, F-69009 Lyon, France. The assignment was recorded on October 6, 2006, at Reel 018423 on Frame 0057. Bayer CropScience S.A. thus holds a 100 percent interest in both the above-identified application and Application No.

Application No. 10/566,051
TERMINAL DISCLAIMER

~~10/582,693, and disclaims, except as provided below, the terminal part of the statutory term of~~
any patent granted on the instant application, which would extend beyond the expiration date of
the full statutory term, defined in 35 U.S.C. §§ 154, 156, and 173 as shortened by any terminal
disclaimer filed prior to the grant, of any patent or patents granted on said Application
No. 10/582,693. The owner agrees that any patent so granted on the instant application shall be
enforceable only for and during such period that it and any patent or patents granted on said
Application No. 10/582,693 are commonly owned. This agreement runs with any patent granted
on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any
patent granted on the instant application that would extend to the expiration date of the full
statutory term, as defined in 35 U.S.C. §§ 145 to 156 and 173, of any patent or patents granted
on said Application No. 10/582,693, as shortened by any terminal disclaimer filed prior to its
patent grant, in the event that such patent(s): (1) expire(s) for failure to pay a maintenance fee,
(2) is (are) held unenforceable, (3) is (are) found invalid by a court of competent jurisdiction, (4)
is (are) statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §§ 1.321, (5)
has (have) all claims cancelled by a re-examination certificate, (6) is (are) reissued, or (7) is (are)
in any manner terminated prior to the expiration of its full statutory term as shortened by any
terminal disclaimer filed prior to its (their) grant.

Application No. 10/566,051
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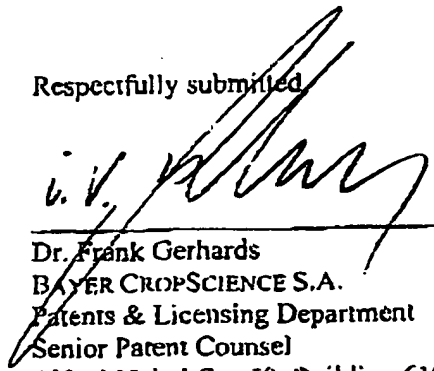
~~For submissions on behalf of an organization (e.g., corporation, partnership, university,~~
government agency, etc.), the undersigned is empowered to act on behalf of the
business/organization.

I declare that all statements made herein of my own knowledge are true and that all
statements made on information and belief are believed to be true, and further, that these
statements were made with the knowledge that willful false statements and the like so made are
punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
Code and that any such willful false statement may jeopardize the validity of the application of
any patent issued thereon.

I am authorized to sign on behalf of Bayer CropScience S.A.

The fee of \$140 for a terminal disclaimer under 37 C.F.R. § 1.20(d) was previously
authorized to be charged to Deposit Account No. 15-0700. If the fee was not previously paid, it
may be charged to this deposit account.

Respectfully submitted



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